IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1095/2006

TARA CHAND & ORS. Vs. STATE OF RAJASTHAN & ANR.

DATE: 12.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahendra Goyal for the accused-petitioners.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Biri Singh Sinsinwar with
Mr. Kamlendra Sihag for non-petitioner No.2.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 21.08.2006 passed by the Additional Sessions Judge (Fast Track), Laxmangarh, Alwar in Sessions Case No. 7/2006, whereby charges have been framed against the accused-petitioners for the offence under Sections 148, 323, 324/149 and 326/149 IPC.

Brief facts of the case are that the trial Court took cognizance against the accused-petitioners, against which they preferred a revision petition and in the revision petition the matter was referred to the Additional Sessions Judge. The Additional Sessions Judge framed charges against the accused-petitioners for the offence under Sections 148, 323, 324/149 and 326/149 IPC.

Learned counsel for the accused-petitioners submits that the Additional Sessions Judge is not competent to frame charge and at the most the Additional Sessions Judge can remand the matter to the trial Court for framing charge.

It is prayed that the impugned order dated 21.08.2006 passed by the Additional Sessions Judge (Fast Track), Laxmangarh be quashed and set-aside and the matter may be remanded back to the trial Court to pass order afresh.

In view of the submissions made by the parties, the impugned order dated 21.08.2006 passed by the Additional Sessions Judge (Fast Track), Laxmangarh, Alwar is herewith quashed and set-aside and the matter is remanded back to the trial Court for passing fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/